## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAZELLA W SPEAKS,

No C 07-4574 VRW

Plaintiff,

ORDER

METROCITIES MORTGAGE,

Defendant.

Plaintiff filed the complaint in this case on September 4, 2007. Doc #1. The initial case management conference (CMC) was set for December 11, 2007. Doc #4. Plaintiff requested an extension of time (Doc #7), and the CMC was rescheduled for February 12, 2008 (Doc #8). Upon the reassignment of this case from Judge Jenkins to the undersigned, the clerk vacated that CMC and rescheduled it for May 22, 2008. Doc ##10-11. The clerk served notice of the CMC by mail on February 26, 2008. Doc #12. The address to which the clerk sent notice of the initial CMC is the same address plaintiff used in her original complaint. Compare Doc #1 at ¶1 with Doc #12.

Plaintiff failed to appear at that initial CMC, and the court issued an order to show cause in writing by June 5, 2008, why the case should not be dismissed for failure to prosecute. Doc ##13-14. Plaintiff failed to respond to the court's order.

Plaintiff's failure to appear at the initial CMC suggests that she is no longer interested in pursuing this litigation.

Plaintiff also failed to respond to the order to show cause. It appears that plaintiff did not respond to the order to show cause because the court's attempt to serve plaintiff with a copy of the order to show cause was returned as undeliverable. Doc ##15-16.

Without a valid address on file for plaintiff, who apparently has retained an attorney who has not yet filed an appearance (see Doc #1 (civil cover sheet); see also summons issued December 28, 2007), this litigation cannot proceed. If service on plaintiff will never be successful, then no proceedings may be conducted without prejudicing defendant. Moreover, plaintiff's failure to provide the court with a valid address demonstrates that plaintiff has little to no interest in fairly litigating this case. Accordingly, the court orders that this case be DISMISSED without prejudice.

IT IS SO ORDERED.

VAUGHN R WALKER

United States District Chief Judge